

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,	)	Criminal No. 08CR2669-L
11	Plaintiff,	)	
12	v.	)	<b>FINDINGS AND RECOMMENDATION OF</b>
13	<b>ANTONIO CASTILLO-QUINONEZ,</b>	)	<b>THE MAGISTRATE JUDGE UPON A</b>
14	Defendant.	)	<b>PLEA OF GUILTY TO A VIOLATION</b>
15		)	<b>OF 8 U.S.C. SECTION 1326 (a)</b>
		)	<b>and (b) WITH WAIVER OF</b>
		)	<b>OBJECTIONS AND THE PREPARATION</b>
		)	<b>OF THE PRESENTENCE REPORT</b>

16       Upon Defendant's request to enter a plea of Guilty pursuant  
17 to Rule 11 of the Federal Rules of Criminal Procedure, this  
18 matter was referred to the Magistrate Judge by the District  
19 Judge, with the written consents of the Defendant, counsel for  
20 the Defendant, and counsel for the United States.

21       Thereafter, the matter came on for a hearing on Defendant's  
22 plea of guilty, in full compliance with Rule 11, Federal Rules of  
23 Criminal Procedure, before the Magistrate Judge, in open court  
24 and on the record.

25       In consideration of that hearing and the allocution made by  
26 the Defendant under oath on the record and in the presence of  
27 counsel, and the remarks of the Assistant United States Attorney,

28       **I make the following FINDINGS - that the Defendant**

**understands:**

1. the right to persist in a plea of "not guilty";
2. the right to a speedy and public trial;
3. the right to be tried by a jury, or the ability to waive that right and have a judge try the case without a jury;
4. the right to the assistance of counsel at trial;
5. that, at trial, there would be the right to confront and cross-examine the witnesses against the Defendant;
6. that, at trial, there is the right to present a defense, and the right to have witnesses subpoenaed to testify on the Defendant's behalf;
7. that, at trial, the Defendant would have the right against compelled self-incrimination;
8. the nature of the charge filed in this case;
9. the maximum possible sentence that could be imposed (including imprisonment, fine, term of supervised release, and mandatory special assessment), the effect of a supervised release term, and that the sentencing guidelines are only advisory so that the Court may sentence Defendant up to the statutory maximum;
10. the terms of the plea agreement;

**I further find that:**

11. that Defendant's plea of guilty is made knowingly and voluntarily;
12. the Defendant is competent to enter a plea; and
13. there is a factual basis for Defendant's plea.
14. Defendant has admitted that he/she was deported and

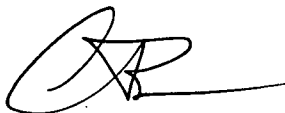
1 removed from the United States after \_\_\_\_\_.

2 I therefore **RECOMMEND** that the District Judge accept the  
3 Defendant's plea of guilty.

4 The sentencing hearing will be before United States District  
5 Judge M. JAMES LORENZ, on OCTOBER 15, 2008, at 2:00 P.M.

6 Objections to these Findings and Recommendation were waived  
7 by the parties at the hearing. The parties have also waived the  
8 preparation of the Presentence report in this case.

9  
10 Dated: SEPTEMBER 2, 2008

  
\_\_\_\_\_  
Honorable CATHY ANN BENCIVENGO  
United States Magistrate Judge

11  
12 Copies to:

13 Hon. M. JAMES LORENZ  
14 U.S. District Judge

15 GEORGE MANAHAN  
16 United States Attorney

17 RUSSELL BABCOCK  
18 Counsel for Defendant  
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